

EXHIBIT A

From: Aaron Cera <aCera@saverilawfirm.com>
Sent: Tuesday, September 17, 2024 8:34 PM
To: Hartnett, Kathleen
Cc: Stameshkin, Liz; Holden Benon; Dunning, Angela L.; Ghajar, Bobby A.; Ghazarian, Colette A.; Lauter, Judd; Biksa, Liene; Alvarez, Jessica; mlemley@lex-lumina.com; Weinstein, Mark; Poppell, Cole A; Cadio Zirpoli; Joseph Saveri; Margaux Poueymirou; Ashleigh Jensen; Rya Fishman; Matthew Butterick; Nada Djordjevic; James Ulwick; Bryan L. Clobes; Mohammed Rathur; Amy Keller; David Straite; Christopher Young; Ruby Ponce; Alexander Sweatman; Heaven Haile; z/Meta-Kadrey
Subject: Re: Kadrey v. Meta: 8 Additional Deponents

[External]

Counsel,

As discussed on our call, I write to provide specific Bates numbers of documents that show that Mr. Zuckerberg has unique, non-repetitive information. The list provided below is non-exhaustive. However, these documents themselves are prima facie evidence that Mr. Zuckerberg has first-hand knowledge of relevant facts and thus is a critical witness in this Action. We also note that these documents are further evidence as to why Mr. Zuckerberg should have been a custodian as Plaintiffs requested. Plaintiffs reserve all rights. Additionally, Plaintiffs note that these documents are in addition to the New York Times Article: How Tech Giants Cut Corners to Harvest Data for A.I. (April 6, 2024), which shows that Mr. Zuckerberg was looking for a way to keep pace with OpenAI with respect to quality and volume of Training Data. Either the documents on their own or the New York Times Article would be enough to justify Mr. Zuckerberg's deposition.

Plaintiffs offer a further compromise: should Meta agree to stipulate to the truthfulness of the statements/actions attributed to Mr. Zuckerberg in the aforementioned New York Times article, Plaintiffs would be willing to limit the hours of Mr. Zuckerberg's deposition. Please confirm whether Meta would agree to this.

Bates Numbers: Meta_Kadrey_00080095; Meta_Kadrey_00033868; Meta_Kadrey_00056492; Meta_Kadrey_00052923; Meta_Kadrey_00032756; Meta_Kadrey_00033120; Meta_Kadrey_00033118; Meta_Kadrey_00000256.

I am also writing to memorialize a briefing schedule. You'll notice there are more details in this schedule than we discussed on the call. I think the detail behooves both parties:

1. Joint Brief re Meta's Protective Order due 9/20.
2. Simultaneous exchange of portions on 9/19 at 7 PM PT.
3. Simultaneous exchange of revised portions on 9/20 at 4 PM PT. Each side reserves the right to make substantive changes and will notify the other party of its intent by 5 PM PT.
4. The Parties will send any substantive changes to their portions by 6:30 PM PT.
5. Meta will file with consent of Plaintiffs before midnight.

Best,
Aaron

Aaron Cera
Associate

JOSEPH SAVERI
LAW FIRM

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San Francisco, CA 94108
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F 415.395.9940

From: Aaron Cera <aCera@saverilawfirm.com>
Sent: Tuesday, September 17, 2024 4:33 AM
To: Hartnett, Kathleen <khartnett@cooley.com>
Cc: Stameshkin, Liz <lstameshkin@cooley.com>; Holden Benon <hbenon@saverilawfirm.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com <mlemley@lex-lumina.com>; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>; Cadio Zirpoli <czirpoli@saverilawfirm.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Margaux Poueymirou <mpoueymirou@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Rya Fishman <rfishman@saverilawfirm.com>; Matthew Butterick <mb@buttericklaw.com>; Nada Djordjevic <ndjordjevic@dicellolevitt.com>; James Ulwick <Julwick@dicellolevitt.com>; Bryan L. Clobes <BClobes@caffertyclobes.com>; Mohammed Rathur <MRathur@caffertyclobes.com>; Amy Keller <akeller@dicellolevitt.com>; David Straite <dstraite@dicellolevitt.com>; Christopher Young <cyoung@saverilawfirm.com>; Ruby Ponce <rponce@saverilawfirm.com>; Alexander Sweatman <ASweatman@caffertyclobes.com>; Heaven Haile <hhaile@saverilawfirm.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>
Subject: Re: Kadrey v. Meta: 8 Additional Deponents

Thanks for the confirmation, Kathleen.

I've circulated an invite for 2 PM PT.

Best,
Aaron

Aaron Cera
Associate

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From: Hartnett, Kathleen <khartnett@cooley.com>

Sent: Monday, September 16, 2024 10:14 PM

To: Aaron Cera <aCera@saverilawfirm.com>

Cc: Stameshkin, Liz <lstameshkin@cooley.com>; Holden Benon <hbenon@saverilawfirm.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com <mlemley@lex-lumina.com>; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>; Cadio Zirpoli <czirpoli@saverilawfirm.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Margaux Poueymirou <mpoueymirou@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Rya Fishman <rfishman@saverilawfirm.com>; Matthew Butterick <mb@buttericklaw.com>; Nada Djordjevic <ndjordjevic@dicellolevitt.com>; James Ulwick <Julwick@dicellolevitt.com>; Bryan L. Clobes <BClobes@caffertyclobes.com>; Mohammed Rathur <MRathur@caffertyclobes.com>; Amy Keller <akeller@dicellolevitt.com>; David Straite <dstraite@dicellolevitt.com>; Christopher Young <cyoung@saverilawfirm.com>; Ruby Ponce <rponce@saverilawfirm.com>; Alexander Sweatman <ASweatman@caffertyclobes.com>; Heaven Haile <hhaile@saverilawfirm.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>

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Hi Aaron - we can M&C tomorrow at 2 PT and agree ok not to have lead counsel re the Zuckerberg issue.

Thanks,
Kathleen

On Sep 16, 2024, at 9:05 PM, Aaron Cera <aCera@saverilawfirm.com> wrote:

[External]

Counsel,

Thanks for your emails regarding deposition dates and the Rule 30(b)(6) notice.

We have reviewed your proposed dates for Amanda Kallet – September 27 (Cooley NYC), Alex Boesenberg – September 27 (Cooley SF), and Eleanora Presani – September 26 (Cooley NYC). We are writing to confirm these dates and locations.

Regarding Hugo Touvron and Nikolay Bashlykov, we note the unreasonableness of providing a location in Europe 8-10 days away from the dates you have provided. Plaintiffs reserve all rights. We believe the first two weeks of October are appropriate for the Touvron and Bashlykov depositions. As Meta's counsel previously stated, "Meta is willing to consider one-off deviations from the September 30 discovery cut-off based on a showing

of need." To that end, please provide dates for Mr. Touvron and Mr. Bashlykov in the first two weeks of October. We will continue to work with you to finalize arrangements.

We understand you are still identifying a date for Ahmad Al-Dahle, and we look forward to receiving that information shortly.

We served our 30(b)(6) deposition notice tonight.

Finally, regarding Mark Zuckerberg's deposition, we are available to meet and confer tomorrow between 2-4 PM PT. Given Hixson's recent discovery orders, the current case schedule, and the depositions occurring this week, we propose stipulating that the absence of lead counsel from this meet and confer will not be a reason for delaying the briefing on this issue. Please confirm if Meta is amenable to this.

Best,
Aaron

Aaron Cera
Associate

<Outlook-qlv44jrg.png>

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From: Stameshkin, Liz <lstameshkin@cooley.com>
Sent: Monday, September 16, 2024 9:13 AM
To: Hartnett, Kathleen <khartnett@cooley.com>; Holden Benon <hbenon@saverilawfirm.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com <mlemley@lex-lumina.com>; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>
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Counsel,

Following up on the below, we can offer Nikolay Bashkylov on September 24 and Hugo Touvron on September 26. Mr. Bashkylov is based in London, and Mr. Touvron can travel to London for his deposition, so we can offer both of these at Cooley's London office.

Best,

Liz

From: Hartnett, Kathleen <khartnett@cooley.com>

Sent: Friday, September 13, 2024 5:26 PM

To: Holden Benon <hbenon@saverilawfirm.com>; Stameshkin, Liz <Istameshkin@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>

Cc: Cadio Zirpoli <czirpoli@saverilawfirm.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Aaron Cera <aCera@saverilawfirm.com>; Margaux Poueymirou <mpoueymirou@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Rya Fishman <rfishman@saverilawfirm.com>; Matthew Butterick <mb@buttericklaw.com>; Nada Djordjevic <ndjordjevic@dicellolevitt.com>; James Ulwick <Julwick@dicellolevitt.com>; Bryan L. Clobes <BClobes@caffertyclobes.com>; Mohammed Rathur <MRathur@caffertyclobes.com>; Amy Keller <akeller@dicellolevitt.com>; David Straite <dstraite@dicellolevitt.com>; Christopher Young <cyoung@saverilawfirm.com>; Ruby Ponce <rponce@saverilawfirm.com>; Alexander Sweatman <ASweatman@caffertyclobes.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Heaven Haile <hhaile@saverilawfirm.com>; z/Meta-Kadrey <zmetakadrey@cooley.com>

Subject: RE: Kadrey v. Meta: 8 Additional Deponents

Counsel,

We have your email from after 10pm last night asking Meta to provide by Monday deposition dates for various Meta witnesses. Reserving all rights as to the unreasonableness and timing of the request, given our prior correspondence (not repeated here), we are able to provide proposed dates for three of the witnesses:

- Amanda Kallet – September 27 (Cooley NYC)
- Alex Boesenberg – September 27 (Cooley SF)
- Eleanora Presani – September 26 (Cooley NYC)

We are looking into dates for Hugo Touvron and Nikolay Bashlykov. As you know, both are based in Europe and their depositions must proceed accordingly, and at appropriate local times. Preliminarily, we understand that they may be available for deposition in the UK or elsewhere in the EU, likely the week of September 23. We are also looking into dates for Ahmad Al-Dahle.

We reiterate our repeated request for the Rule 30(b)(6) notice, as we of course cannot provide dates for a generic “Rule 30(b)(6)” witness. Among other things, we have informed you that Melanie Kambadur was likely to be a Rule 30(b)(6) witness, and her deposition will take place next week. To the extent we do not receive a notice with sufficient time to prepare her and she otherwise would be our designee, we reserve the right to designate her testimony for Rule 30(b)(6) purposes after her deposition. The same is true for any other witness for whom we do not have sufficient notice of Plaintiffs’ Rule 30(b)(6) topics. And of course, we are not waiving Meta’s right to object to the topics or sufficiency of the notice once we finally receive it.

Finally, with respect to Mr. Zuckerberg, as reflected in our filing this week, we object to his deposition based on the apex doctrine. We request a meet and confer regarding this issue on Monday, September 16.

Thanks,
Kathleen

Kathleen R. Hartnett

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Pronouns: she, her, hers

From: Holden Benon <hbenon@saverilawfirm.com>

Sent: Thursday, September 12, 2024 10:19 PM

To: Hartnett, Kathleen <khartnett@cooley.com>; Stameshkin, Liz <lstameshkin@cooley.com>; Dunning, Angela L. <adunning@cgsh.com>; Ghajar, Bobby A. <bghajar@cooley.com>; Ghazarian, Colette A <cghazarian@cooley.com>; Lauter, Judd <jlauter@cooley.com>; Biksa, Liene <lbiksa@cooley.com>; Alvarez, Jessica <jalvarezlopez@cooley.com>; mlemley@lex-lumina.com; Weinstein, Mark <mweinstein@cooley.com>; Poppell, Cole A <CPoppell@cooley.com>

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Subject: Kadrey v. Meta: 8 Additional Deponents

[External]

Counsel,

Consistent with the Court's order, Plaintiffs request dates for the following 8 deponents. Plaintiffs reserve the right to request different dates and/or reschedule depositions pending the outcome of Plaintiffs' motion to enlarge the fact-discovery cut-off:

1. 30(b)(6).
2. Ahmad Al-Dahle.
3. Hugo Touvron.
4. Amanda Kallet.
5. Alex Boesenberg.
6. Nikolay Bashlykov.
7. Eleonora Presani.
8. Mark Zuckerberg.

Please provide dates as soon as possible, and in any event **no later than Monday**. After receipt, we will serve formal notices.

Thank you,
Holden

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